

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CORRY PURIFY,

Defendant (29).

Case No.13-CR-28 (29)—JED
Magistrate Judge Frank H. McCarthy

OPINION AND ORDER

The Government's Motion to Reopen Detention Hearing, [Dkt. 518], is before the undersigned United States Magistrate Judge for decision. The motion seeks to "reopen" the detention hearing under 18 U.S.C. § 3142(f)(2), or alternatively to "refile" a motion for detention in this case. Defendant has filed a brief objecting to the motion. [Dkt. 529].

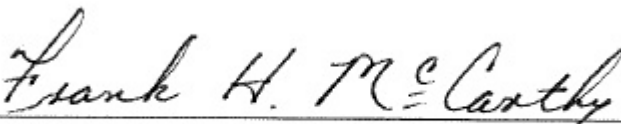
At his Initial Appearance in this case, Defendant Purify was released on bond with standard conditions of release.¹ No detention hearing was conducted because the Government did not move for detention and the court did not conduct a detention hearing on its own motion. 18 U.S.C. § 3142 (f)(1) and (2).

Because no detention hearing has been held concerning Defendant Purify in this case, the court cannot "reopen" the detention hearing. Likewise, the court cannot grant the Government's request to "refile" a detention motion when one has never been filed.

The Government's Motion to Reopen Detention Hearing, [Dkt. 518], is therefore DENIED.

¹ Defendant Purify was subsequently charged with criminal conduct that occurred before his release in this case, Case No.: 14-CR-154. Defendant Purify is detained in 14-CR-154.

SO ORDERED this 18th day of September, 2014.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE